

REMARKS

This amendment is in response to the Office Action dated December 13, 2004. Claims 1-15 are pending.

The Examiner has required restriction to one of the following groups under 35 U.S.C. § 121:

Group I: Claims 1-2 and 8, drawn to the chemical compound;

Group II: Claims 3-7, drawn to a process of preparing a compound; and

Group III: Claims 9-15, drawn to a method of treating obesity.

Applicants hereby provisionally elect examination of Group I (claims 1, 2 and 8) drawn to the compound N-aryloxypropanolyl-N'-phenethyl urea, with traverse.

Although Applicants are making the above election to be fully responsive to the Restriction Requirement, Applicants respectfully traverse the Requirement and reserve the right to petition under 37 C.F.R. §1.144. Applicants request reconsideration and withdrawal of the Restriction Requirement to allow prosecution of at least Groups I and II in the present application, for the reasons provided below.

Traversal of Restriction Requirement

The Examiner alleges that Group I and Group II are patently distinct in that Group I comprises a product that can be made by other processes, and that the process in Group II can be used to make other products. Likewise, the Examiner contends that Group I and Group III are related as product and process of use, where the process can be used with materially different products, and the product can be used in a materially different process of using the product. Therefore, the Examiner maintains that the inventions of Groups I, II and III are separate and distinct inventions as a reference anticipating one of the references would not necessarily render another obvious.

either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: January 11, 2005

Respectfully submitted,

By Sandra Lee
Sandra S. Lee

Registration No.: 51,932
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 753-6237 (Fax)
Attorney For Applicant